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To: [All of Court Administrators \(EOIR\)](#); [All of Judges \(EOIR\)](#); [All of OCIJ HDO \(EOIR\)](#); [All of OCIJ JLC \(EOIR\)](#); [BIA ATTORNEYS \(EOIR\)](#); [BIA BOARD MEMBERS \(EOIR\)](#); [EOIR Library \(EOIR\)](#); [BIA SUPPORT \(EOIR\)](#); [BIA TEAM P \(EOIR\)](#); [Butler, Vicki A. \(EOIR\)](#); [Carr, Donna \(EOIR\)](#); [King, Jean \(EOIR\)](#); [OGC \(EOIR\)](#); [McHenry, James \(EOIR\)](#); [Reilly, Katherine \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#)
Cc: [Rose, Karen \(EOIR\)](#); [Atkinson, Pamela \(EOIR\)](#)
Subject: Matter of D-R- 27 I&N Dec. 105 (BIA 2017)
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The above precedent decision can be found in Volume 27 at page 105. The link to the decision is:
Intranet:

<https://eoirnet/sites/eoir/BIA/VLL/PrecedentDecisions/3902.pdf>

- (1) A misrepresentation is material under section 212(a)(6)(C)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(6)(C)(i) (2012), when it tends to shut off a line of inquiry that is relevant to the alien's admissibility and that would predictably have disclosed other facts relevant to his eligibility for a visa, other documentation, or admission to the United States. *Forbes v. INS*, 48 F.3d 439 (9th Cir. 1995), not followed.
- (2) In determining whether an alien assisted or otherwise participated in extrajudicial killing, an adjudicator should consider (1) the nexus between the alien's role, acts, or inaction and the extrajudicial killing and (2) his scienter, meaning his prior or contemporaneous knowledge of the killing. *Miranda Alvarado v. Gonzales*, 449 F.3d 915 (9th Cir. 2006), not followed.

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